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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,733	07/25/2003	Kenichi Fujita	1713.1005	9687
21171 7590 08/18/2008 STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005				
EXAMINER				
DANG, DU Y M				
ART UNIT		PAPER NUMBER		
2624				
MAIL DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/626,733

Applicant(s)

FUJITA ET AL.

Examiner

Duy M. Dang

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-4, 8-17, 19, 20 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-17, 19, 20 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 4/2/08
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's amendment filed on May 28, 2008 has been entered and made of record.

Response to Arguments

2. Applicant's arguments with respect to claims 1-4, 8-17, 19-20, and 22 filed on May 28, 2008, have been considered but are moot in view of the new ground(s) of rejection.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the newly added limitations recited at (i)last two lines of claim 1 and lines 7-8 of claim 8 that of "*a circuit that bypasses keyboard and mouse signals...not compressed,*" and (ii)last two lines of claims 9 and 15-17, 19 and 22, lines 9-10 of claim 12, lines 6-8 of claim 13 and lines 8-9 of claim 20 that of "*bypassing keyboard and mouse signals...not compressed*" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The amendment filed on May 28, 2008 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

In this case, the newly added limitations recited at (i)last two lines of claim 1 and lines 7-8 of claim 8 that of "*a circuit that bypasses keyboard and mouse signals...not compressed*," and (ii)last two lines of claims 9 and 15-17, 19 and 22, lines 9-10 of claim 12, lines 6-8 of claim 13 and lines 8-9 of claim 20 that of "*bypassing keyboard and mouse signals...not compressed*" are not supported by the original disclosure.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1-4, 8-17, 19-20, and 22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled

in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In this case, the newly added limitations recited at (i)last two lines of claim 1 and lines 7-8 of claim 8 that of "*a circuit that bypasses keyboard and mouse signals...not compressed*," and (ii)last two lines of claims 9 and 15-17, 19 and 22, lines 9-10 of claim 12, lines 6-8 of claim 13 and lines 8-9 of claim 20 that of "*bypassing keyboard and mouse signals...not compressed*" are not supported by the original disclosure.

Claim Rejections - 35 USC § 103

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
8. Claims 1, 4, 8-9, 11-13, 15-17, 19-20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biederman (USPN 7,069,342, referred as Biederman hereinafter).

Regarding claim 1 as a representative claim, Biederman teaches a switching device that selectively switches connections to a predetermined terminal among a plurality of terminals connected to computers, and can be remote-controlled over a network, the switching device (see figure 2 and col. 2 lines 24-55) comprising: a network interface circuit to be connected to the network (i.e., interface 68 of figure 1); and an image processing unit that includes an image compression circuit for compressing image signals outputted from the computers (see compression units depicted at 204 in figure 2); a controller that changes a compression method or compression rate to be used at the image compression circuit, in accordance with a congestion level of the network (see selector 202, controller 210, and estimator 212 of figure 2).

Biederman does not teach the newly added limitations recited at (i) last two lines of claim 1, for example that of "*a circuit that bypasses keyboard and mouse signals...not compressed.*" However, such limitations are well known (Official Notice) in the art in order to allow multiple computers/server to be controlled/managed by remote user(s). It also reduces space and the number keyboards and mouse installed/used in the rack/blade server type environments.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate such well known features in combination with Biederman for that reasons.

The supporting evidences to the Examiner's taken Official Notice are presented hereinafter:

(i) Odryna et al. (US Publication No. 2002/0143996, referred as Odryna hereinafter). Odryna teaches bypassing/redirecting/passing keyboard and mouse signals from remote user via network to a selected network server wherein said signals are not compressed (i.e., keyboard K and mouse M signals are bypassed or redirected to the selected server according to paragraphs [0049]-[0052]. Specifically, at paragraph [0049], KM signals from remote user 112 are redirected to a selected network server 122; at paragraph [0052], remote user's K, M strokes are passed to a selected server 122. This implies that KM signals in Odryna are not compressed);

(ii) Thomas et al. (USPN 6,681,250, referred as Thomas hereinafter). Thomas teaches a KVM switch (see abstract, figure 2, converters of figures 3-5 and 7-10 (note that converter is also referred to KVM switch according to col. 4 lines 34-36), and server card 36 of figure 6 (note that server card is referred as converter according to col. 3 lines 8-12)) comprising bypassing/redirecting/passing keyboard and mouse signals from remote user to a selected

network server (i.e., port 39 of figure 6, port 46 of figure 7, and 102 of figure 10; col. 4 line 65 to col. 5 line 21; the converters 32 and 47 described at col. 6 line 1 to col. 7 line 15; server card 36 described at col. 7 lines 45-67; and converter described at col. 8 lines 9-61. Specifically, the keyboard and mouse signals in Thomas are packetized/converted and redirected/bypassed to the intended server from the a workstation 25-27. This implies that Thomas' converter does not compress keyboard and mouse signals);

(iii)Pinkston, II et al. (USPN 6,378,009, referred as Pinkston hereinafter). Pinkston teaches a KVM switch (see 100 of figure 1, 200 of figure 2, "peripherals" in figure 3) comprising bypassing/redirecting/passing keyboard and mouse signals from remote user via network to a selected network server wherein said signals are not compressed (i.e., the communication bus is used to transfer/bypass/redirect keyboard and mouse signals from user station to his/her selected computer according to col. 3 lines 1-13; and keyboard and mouse signals/information are directed to selected connection described at col. 5 lines 38-57 together with figures 5 and 9);

(iv)Coleman (US Pub. No. 2004/0042547, referred as Coleman hereinafter). Coleman teaches a KVM switch (see compression 103 of figure 1A in together with paragraphs [0115]-[0116]; note that compress 103 directs keyboard and mouse data from computer 111 to remote computer 101 to allow computer 111 to control remote computer 101 and said data is not compressed according to paragraph [0016]; also refer to KVM 129 of figure 1B and paragraph [0117]); and

(v)Perholtz et al. (USPN 5,732,212, referred as Perholtz hereinafter). Perholtz teaches a circuit that bypasses keyboard and mouse signals, supplied via the network to said selected terminal, such that the keyboard and mouse signals are not compressed (see keyboard circuitry

101 and mouse circuitry 117 of figure 4A and detailed on figure 4B in together with col. 19 lines 1-6, col. 19 line 33 to col. 20 line 11).

Regarding claims 8-9, 12-13, 15-17, 19-20, and 22 are also rejected for the same reasons as set forth in claim 1 above.

Regarding claims 4, and 11, the rejection applied to claim 1 above is incorporated herein.

9. Claims 2-3, 10, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biederman as applied to claims 1, 4, 8-9, 11-13, 15-17, 19-20, and 22 above in view of Kilkki.

The advanced statements as applied to claims 1, 4, 8-9, 11-13, 15-17, 19-20, and 22 above are incorporated herein.

Regarding claim 2, Biederman does not explicitly teaches packet filtering circuit that adds up a packet data amount received through the network interface circuit. However, such claimed features are taught in Kilkki as pointed out in the previous Office action and incorporated herein. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporated such features as taught by Kilkki in combination with Biederman. The motivation for doing so is to improve the accuracy in computation the congestion level in order to enhance the routing data.

Regarding claim 3, Kilkki teaches a plurality of image processing units and a plurality of remote-control computers that can be connected to the network, the number of the image processing units being the same as the number of remote-control computers (see figures 1 and 17).

Regarding claims 10 and 14, the quality based operation mode and quantity based operation mode shown at figure 2 and paragraph [0012] of Kilkki refer to the claimed features. Also refer to figure 2 of Biederman which comprises a plurality of compression units.

Claim Rejections - 35 USC § 101

10. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

11. Claims 19-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

It is noted that these claims were rejected under section 101 in the previous Office action mailed on May 2, 2007 and the rejection under section 101 was later withdrawn in the Office action mailed on December 28, 2007 in view of applicant's amendment filed on October 2, 2007. However, such amendment does not change to scope of claims 19-20 which are directed to a computer program. Such rejection was prematurely withdrawn and therefore is reinstated in this Office action to reflect the amended version of claims 19-20.

Currently, each of claims 19-20 defines a computer program embodying functional descriptive material. However, the claim does not define a "computer-readable medium or computer-readable memory" and is thus non-statutory for that reason (i.e., "When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized" – Guidelines Annex IV. Also see *Warmerdam*, 33 F.3d at 1360-61, 31 USPQ2d at 1759; *Lowry*, 32 F.3d at 1583-84, 32 USPQ2d at 1035; and *MPEP* 2106.01.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duy M. Dang whose telephone number is 571-272-7389. The examiner can normally be reached on Monday to Friday from 6:00AM to 2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh M. Mehta can be reached on 571-272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2624

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

dmd

8/08

/Duy M Dang/

Primary Examiner, Art Unit 2624